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LETTER DATED 11 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the text of the statement concerning the 7-8 November meeting in Ouagadougou, together with its attachments issued by the Ministry of Foreign Affairs of the State of Eritrea on 9 November 1998 (see annex).

While the press release issued by the Organization of African Unity (OAU) (see enclosure) on the outcome of the Ouagadougou meeting is clear, the Government of Ethiopia has circulated a statement that is a clear misrepresentation of the facts. It is thus incumbent upon the Government of Eritrea to present to all concerned the facts as they are: the proposals that were presented by the Committee as talking points accompanied by Eritrea's initial views on them. Contrary to the allegation of the Ethiopian Government, no final conclusion was reached at the Ouagadougou meeting, and this is clearly stated in the OAU press statement:

> "The two leaders were received separately by the OAU High-level Delegation, which listened to their preliminary observations and provided clarification on some aspects of the proposals as requested by the parties.
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> "The High-level Delegation reiterated to the two parties its full disposition to pursue its efforts and urged them to communicate subsequently their definitive response to the proposals submitted to them."

I would like to reiterate that Ethiopia's insistence upon restarting all-out fighting if it does not have its way continues to pose a grave threat to the search for a peaceful solution acceptable to both sides, which the concerned parties are trying to broker. Eritrea's proposal for a cessation of hostilities while differences are being ironed out with the help of third parties has been rejected by Ethiopia. We call upon the Security Council to take note of the matter and to exercise its responsibility to avert the renewed all-out war initiated by Ethiopia.

I should be grateful if you would kindly circulate the text of the present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representati

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Annex

Statement issued on 9 November 1998 by the Ministry of Foreign Affairs of Eritrea

Organization of African Unity (OAU) meeting at Ouagadougou

The OAU Committee of Heads of State on the conflict between Eritrea and Ethiopia that met in Ouagadougou on 7 and 8 November 1998 has called upon both sides to reflect on the talking points handed over to them. It announced that the problem would be further discussed at the next meeting of the OAU Central Organ, to be held next December.

The Committee took this decision because it could not sufficiently bridge the gap between the two sides. As always, the main stumbling block was Ethiopia's precondition of an unconditional Eritrean withdrawal from territory that is Eritrean. Eritrea's insistence that the meeting "should at least emerge with a signed agreement for the cessation of hostilities even if all outstanding issues could not be resolved at one go" could not materialize because of Ethiopia's outright rejection.

OAU's talking points centred on: the cessation of hostilities; the demarcation of the boundaries within six months; an investigation of the incidents of July-August 1997 and 6 May 1998 in order to determine the origins of the conflict; and the demilitarization of the border areas and a commitment to address the impact of the crisis on the civilian population and particularly deportees. In addition, the Committee felt that "armed forces presently in Badme be redeployed as a mark of goodwill" and as a "cure for the humiliation" that Ethiopia laments it had suffered in the clashes that occurred in May.

Eritrea welcomed OAU's ongoing peace efforts and regarded the Ouagadougou meeting as positive, providing a forum for a better understanding of all the pertinent issues. Its recognition that the conflict did not start in May 1998 but that it goes back to July 1997 and its call for an investigation into these events is significant since it has a bearing on the framework for a peaceful solution.

President Isaias Afwerki submitted the following points - which were further extensively discussed with the OAU Committee - that Eritrea felt should be incorporated to provide a sound basis for a lasting, peaceful solution to the border conflict:

1. It has been Eritrea's consistent view that the conflict between Eritrea and Ethiopia is a border dispute that must be resolved by scrupulous respect of Eritrea's inherited Italian colonial boundaries. In this respect, I wish to emphasize that Ethiopia has flagrantly violated this cardinal principle by perpetrating an act of aggression at two levels: (a) its issuance of a new map in October 1997 which illegally incorporated large areas of Eritrean territory; and (b) its military acts to create facts on the ground to incorporate the areas claimed on the illegal map, the first vivid precursor of

these acts of aggression being the occupation of Adi Murug and incursions in the Badme area in July 1997.

Moreover, it has shown no intention of accepting and respecting Eritrea's colonial boundaries. A lasting peaceful solution, however, requires that Ethiopia rescind its illegal claims on Eritrea and declare, without equivocation, that it respects the colonial boundaries between the two countries that were delimited in accordance with the treaties of 1900, 1902 and 1908. It is these same boundaries that have constituted Eritrea's frontiers since then. This unequivocal formulation, which is indeed a prerequisite for the technical work of demarcation of the boundary between the two countries that will have to be carried out expeditiously under the auspices of the United Nations Cartographic Unit, must be reflected clearly in the principles that underpin a peaceful resolution of the conflict. I urge Your Excellencies to ensure that this crucial element is given the weight that it deserves, as without it there cannot be a peaceful solution.

2. Another cardinal principle that both sides must commit themselves to is the rejection of the use of force to resolve the border dispute. In this regard, I must reiterate that it is Ethiopia which has repeatedly resorted to the use of force. This is not only true for the events of July 1997 but also for those of 6 May 1998. This is why Eritrea has been calling from the very beginning for an investigation into those events. Ethiopia, on the other hand, did not only commit those acts of aggression, but continues to publicly declare its desire to use force to impose a solution, as illustrated by the resolution of its Parliament on 13 May 1998, and repeated pronouncements thereafter.

In this context, I wish to reaffirm to Your Excellencies Eritrea's commitment to a cessation of hostilities. I urge you to press the other side to make the same commitment. Even if we cannot resolve all the outstanding issues at one go at this Summit, we should at least emerge from this gathering with a signed agreement on the cessation of hostilities.

3. A cessation of hostilities is certainly a sufficient condition for the deployment of an observer force and for carrying out an expeditious demarcation. If it is accepted that "in order to determine the origins of the conflict" an investigation needs to be carried out into the incidents of July-August 1997 and 6 May 1998, then obviously any pronouncement that prejudges "the origins of the conflict" is not justifiable. If it is a matter of goodwill, then the onus must be on both parties. The same logic applies to the issue of "administration". Certainly, no sovereign nation can countenance the administration of its own territory by a foreign country. I urge Your Excellencies to ensure that these fundamental points are incorporated.

4. Although I do not wish to dwell on issues tangential to the border dispute, important as they are in their own right, I must nonetheless state that detention and deportation of innocent civilians on account of their nationality is being carried out solely by Ethiopia. Fairness demands that appeals by the Summit be directed only to the culpable party.

Enclosure

Press release issued by the Organization of African Unity
on 8 November 1998

The Organization of African Unity (OAU) High-level Delegation on the dispute between Eritrea and Ethiopia met at Ouagadougou on 7 and 8 November 1998, under the chairmanship of Blaise Compoaore, President of Burkina Faso and current Chairman of OAU. Messrs. Hassan Gouled Aptidon, President of the Republic of Djibouti, and Robert Gabriel Mugabe, President of the Republic of Zimbabwe, participated in the meeting. Salim Ahmed Salim, Secretary-General of the Organization of African Unity, also participated in the meeting. The Secretary-General of the United Nations was represented by Ambassador Mohamed Sahnoun, in the capacity of observer.

The OAU High-level Delegation considered and adopted a set of proposals constituting elements of a Framework Agreement for a peaceful settlement of the dispute between Ethiopia and Eritrea. Those proposals were communicated to Messrs. Isaias Afewerki, President of the State of Eritrea, and Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, by the current Chairman of OAU on behalf of the High-level Delegation.

The two leaders were received separately by the High-level Delegation, which listened to their preliminary observations and provided clarification on some aspects of the proposals as requested by the parties.

The High-level Delegation reiterated to the two parties its full disposition to pursue its efforts and urged them to communicate subsequently their definitive response to the proposals submitted to them. In the meantime, the Delegation reiterates its appeal to the two parties to continue to exercise maximum restraint.

The OAU High-level Delegation expresses its high appreciation to the two parties for the confidence they place in the organization. The Delegation will submit a report on its efforts to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at its next session at the Summit level.